UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,706	07/02/2003	Jari Mononen	NOKM.054PA	3738

7590 02/19/2008

Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER	
BIAGINI, CHRISTOPHER D	
ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
02/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/612,706	MONONEN ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER D. BIAGINI	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 12/10/2007, with respect to the rejection(s) of claim(s) 1-25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Information Disclosure Statement

The information disclosure statement filed 12/10/2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the citation for the Venkatraman reference appears to be incorrect. Patent No. 5,945,487 is not to Venkatraman, but to Ohkoshi et al. The information disclosure statement has been placed in the application file, but the Venkatraman reference has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The instant specification provides evidence that the claims are intended to encompass embodiments which consist entirely of software (see page 26, lines 7-9). Absent a structurally and functionally interrelated computer-readable medium, software *per se* is not statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 10, 16, 17, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent 6,980,826) in view of Wesinger et al. (US Patent 5,778,367, hereinafter "Wesinger"), and further in view of Kitajima et al. (US Pub. No. 2003/0139144, hereinafter "Kitajima").

Regarding claim 1, note that the preamble has been given patentable weight, as it provides antecedent basis for a limitation in the claim ("the network entities" on line 5).

Yamaguchi shows a mobile information system to provide information to network entities (PC for management 313) via a mobile communications network (network 316), the mobile information system comprising:

- a plurality of information sources (including camera 309 and GPS 303: see Fig. 10);
- a mobile information server (cellular phone 304: see Fig. 10) arranged to receive addressed information requests from the network entities (the entities comprising PC 313 and web browser software 307: see Fig. 10 and col. 7, lines 53-57); and
- at least one information source selected from the information sources (for example, camera 309), wherein the mobile information server facilitates information exchange from the at least one information source in response to the addressed information requests from the network entities, wherein the information exchange is provided independent of human interaction in response to the information requests (see col. 12, line 57 to col. 13, line 5).

Yamaguchi further shows that a variety of server software may be installed on the cellular phone (see col. 4, lines 51-58), but does not show that the information sources interface with a common gateway interface of the system, wherein the information sources include personal information entered onto the mobile information system by a user of the mobile information system, wherein the personal information is entered onto the system independently of the common gateway interface, and that information exchange is facilitated via the CGI.

Wesinger shows:

- receiving a request via a CGI that interfaces information sources with a network (see Fig. 1A and col. 4, lines 12-35);
- wherein the information sources include personal information entered into the information system by a user of the information system (see Fig. 2L and col. 5, lines 57-67); and

- facilitating information exchange via the CGI (see col. 4, lines 12-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yamaguchi with the CGI and personal information taught by Wesinger in order to achieve the predictable result of being able to access personal information over the network.

Kitajima shows entering personal information intended for sharing, wherein the information is entered independently of the sharing interface (see [0033] and [0052]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the independent data entry of Kitajima in order to provide the ability to enter information directly on the mobile device.

Regarding claim 2, it is noted that the at least one information source applied above (camera 309) is internal to the mobile information server (see Fig. 10).

Regarding claim 3, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 2 as applied above, and Yamaguchi further shows wherein the at least one information source contains information generated by the mobile information server (the information comprising image data: see col. 12, line 57 to col. 13, line 5 and col. 9, lines 21-35).

Regarding claim 4, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 3 as applied above, and Yamaguchi further shows wherein the information

generated by the mobile information server includes image data captured by the mobile information server (see col. 9, lines 21-25).

Regarding claim 5, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 5 as applied above, and Yamaguchi further shows wherein the information generated by the mobile information server includes telemetry data related to the mobile information server (the information comprising the converted location data, which includes telemetry data and is generated by extended software module 311, a component of cellular phone 304: see col. 12, lines 30-33).

Regarding claim 6, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 1 as applied above, and Yamaguchi further shows wherein the at least one information source is external to the mobile information server (the information source comprising GPS 303: see Fig. 10).

Claims 10, 16, and 17 contain limitations similar to those of claim 1 and are rejected for the same reasons as applied above.

As to claim 18, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 17 as applied above, and further shows wherein the information requests received are addressed to the mobile server (see col. 7, lines 53-57).

As to claim 21, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 17 as applied above, and Yamagochi further shows wherein the determined source is internal to the mobile information server (the source comprising camera 309).

As to claim 22, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 18 as applied above, and Yamagochi further shows wherein the determined source is external to the mobile information server (the information source comprising GPS 303: see Fig. 10).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view of Bajikar (US PGPUB 2002/0194500).

Regarding claim 7, the combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 6 as applied above, and Yamaguchi further shows wherein the at least one information source comprises an external device (GPS 303: see Fig. 10), but does not show wherein the at least one information source comprises any combination of a Wireless Local Area Network (WLAN) device, a Bluetooth device, and an Infrared (IR) device).

Bajikar shows exchanging information with a Bluetooth device (one of BTAPs 120A-120N: see [0036]).

It would have been obvious to further modify the invention of Yamagochi with the information exchange of Bajikar in order to provide access control, tracking and security services (see [007]).

Regarding claim 8, Yamagochi in view of Wesinger, Kitajima, and Bajikar shows the limitations of claim 7 as applied above, but does not show wherein information exchanged with a Bluetooth device includes access data that is used to support a security access system.

Bajikar shows exchanging information with a Bluetooth device (one of BTAPs 120A-120N) that includes access data that is used to support a security access system (see [0036] and [0043]). It would have been obvious to further modify the invention of Yamagochi with the information exchange of Bajikar in order to provide access control, tracking and security services (see [007]).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view in view of Bajikar (US PGPUB 2002/0194500) and Chang et al. (US Pat. No. 6,583,807, hereinafter "Chang").

Yamagochi in view of Wesinger and Kitajima shows the limitations of claim 7 as applied above, but does not show wherein information exchanged with a WLAN device includes video data that is used to support a video conferencing system.

Chang shows exchanging video data information with a WLAN device (wireless network machine 100: see Fig. 2) in order to support a video conferencing system (see col. 2, lines 23-

45). It would have been obvious to further modify the invention of Yamagochi with the information exchange of Chang in order to provide a low-cost video conference device which is not fixed to a single location (see col. 1, lines 37-43).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view in view of Mayle (US Pat. No. 6,018,774).

The combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 10 as applied above, and further shows an imaging device arranged to capture images (camera 309) and wherein the information sources include the images (see col. 12, lines 59-63), but does not explicitly show storing the images in the server directory.

Mayle shows storing images in a server directory (see col. 5, lines 19-23).

It would have been obvious to arrange the camera of Yamagochi to store images in a server directory in order to save the pictures for future requests from clients.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view in view of Girerd (US Pat. No. 6,131,067).

The combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 10 as applied above, and further shows a telemetry device arranged to capture telemetry data (GPS 303) and wherein the information sources include the telemetry data (see col. 12, line 64 to col. 13, line 3), but does not explicitly show storing the telemetry data in the server directory.

Girerd shows storing telemetry data in a server directory (see Fig. 1A and col. 16, lines 9-22).

It would have been obvious to arrange the telemetry device of Yamagochi to store data in a server directory in order to save the data for future requests from clients.

Claims 13 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view in view of Wagner (US Pat. No. 5,742,845).

As to claim 13, Yamagochi in view of Wesinger and Kitajima shows the limitations of claim 13 as applied above, and further shows information transfer between the network and a device that is external to the mobile terminal (GPS 303: see col. 12, line 64 to col. 13, line 3), but does not explicitly show wherein the common gateway interface facilitates the information transfer. It is noted, however, that the memory of Yamagochi would be capable of storing such a CGI.

Wagner shows a CGI facilitating transfer with a hard wired device (system 40: see Fig. 1, lines 10-15 of col. 10, and lines 41-45 of col. 16). It would have been obvious to include such a CGI in the memory of Yamagochi in order to allow network devices which do not use the communication protocol of the hard wired device to access the hard wired device (see Wagner, lines 10-15 of col. 10).

As to claim 23, Yamagochi in view of Wesinger and Kitajima shows the limitations of claim 22 as applied above, but does not show the address containing a reference to a Common Gateway Interface (CGI). Wagner shows an address containing a reference to a CGI (see col. 10, lines 52-60).

It would have been obvious to include a reference to a CGI in the address of Yamagochi in order to allow network devices which do not use the communication protocol of the hard wired device to send information to the hard wired device through a CGI (see Wagner, lines 10-15 of col. 10).

As to claim 24, it is noted that the CGI of Wagner as applied above performs a protocol conversion between an information request protocol used by the network elements and a protocol used by the external information source (see col. 10, lines 10-15).

Claims 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view of Wagner (US Pat. No. 5,742,845), and Bajikar (US PGPUB 2002/0194500).

Yamagochi in view of Wesinger and Kitajima and Wagner shows the limitations of claims 1 and 10 as applied above, but does not show wherein the common gateway interface facilitates information transfer of security access data between the mobile terminal and a security access point.

Bajikar shows information transfer of security access data between a mobile terminal and a security access point (one of BTAPs 120A-120N: see [0036] and [0043]).

It would have been obvious to modify the invention of Yamagochi with the information transfer of Bajikar in order to provide access control, tracking and security services (see [007]).

Wagner shows a CGI facilitating transfer a device (system 40: see Fig. 1, lines 10-15 of col. 10, and lines 41-45 of col. 16). It would have been obvious to include such a CGI in the memory of Yamagochi in order to allow network devices which do not use the communication protocol of the device to access the device (see Wagner, lines 10-15 of col. 10).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view of Wagner (US Pat. No. 5,742,845) and Steenfeldt et al. (US Pub. No. 2003/0187992, hereinafter "Steenfeldt").

Yamagochi in view of Wesinger and Kitajima shows the limitations of claim 10 as applied above, but does not show wherein the common gateway interface facilitates transfer of video conferencing data between the network and at least one of the plurality of applications.

Steenfeldt shows a common gateway interface facilitating transfer of video conferencing data (see [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yamagochi with the information transfer of Steenfeldt in order to implement videoconferencing using the well-known CGI protocol.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view of Baker (US PGPUB 5,961,645).

The combination of Yamaguchi, Wesinger, and Kitajima shows the limitations of claim 18 as applied above, and Yamagochi further shows the address comprising a URL (see col. 7, lines 53-57), but does not show the address including an Internet Protocol address.

Baker shows a URL containing an Internet Protocol address (see col. 1, lines 49-53).

It would have been obvious to one of ordinary skill in the art to include an Internet Protocol address in the URL of Yamagochi in order to provide the ability to access the server even when a hostname has not been assigned to the mobile server.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view of McConnell et al. (US PGPUB 2002/0015403, hereinafter "McConnell").

Yamagochi shows the limitations of claim 18 as applied above, but does not show wherein the address includes a Mobile Station Integrated Services Digital Network Number (MSISDN). McConnell shows an address including an MSISDN (see [0157]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Yamagochi with the MSISDN of McConnell in order to identify the requestor to the mobile server (see McConnell [0157]).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagochi (US Pat. No. 6,980,826) in view of Wesinger (US Patent 5,778,367) and Kitajima (US Pub. No. 2003/0139144), and further in view of Lee (US PGPUB 2002/0049852).

The combination of Yamaguchi, Wesinger, and Kitajima discloses the limitations of claim 17 as applied above, and Yamagochi further shows video conferencing (an application which frequently uses streaming: see col. 10, lines 45-49), but does not show wherein transferring the information includes using a streaming protocol.

Lee shows transferring information using a streaming protocol. It would have been obvious to transfer the information of Yamagochi with a streaming protocol in order to provide faster access to large media files or access to media which is generated in real time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER D. BIAGINI whose telephone number is (571)272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Biagini
(571) 272-9743

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER